

400-1753 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: MURDO BLACK ET AL.

Filed: MARCH 25, 2002

For: TEST DEVICE

Serial No.: 10/089,048

Group Art Unit: 1753

Examiner: VESTAL, REBECCA M.

Atty. Dkt: DUMM:009US

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

1-14-05 *Marty Jones*
Date Name

REQUEST FOR EXTENSION OF TIME TO RESPOND TO
OFFICE ACTION DATED SEPTEMBER 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

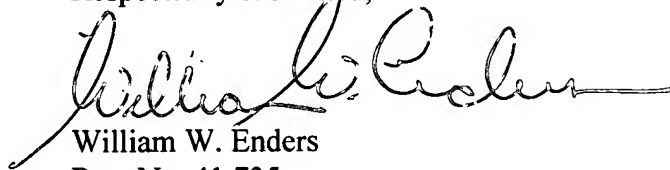
Pursuant to 37 C.F.R. §1.136(a), Applicants petition for an extension of time for one month(s) to and including January 23, 2005, in which to respond to the Office Action dated September 23, 2004.

Pursuant to 37 C.F.R. §1.17, a check in the amount of \$60.00 is enclosed, which is the fee for a one month(s) extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §1.16 to 1.21 be required for any reason relating to the enclosed materials, or

should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Deposit Account No. 10-1205/DUMM:009US.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William W. Enders", written over a horizontal line.

William W. Enders
Reg. No. 41,735
Attorney for Applicants

O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway So.
Building C, Suite 200
Austin, Texas 78746
512/347-1611
FAX: 512/347-1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MURDO BLACK ET AL.

Filed: MARCH 25, 2002

For: TEST DEVICE

Serial No.: 10/089,048

Group Art Unit: 1753

Examiner: VESTAL, R.

Atty Dkt: DUMM:009US



Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313

4/14/05
Date

Name

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the document(s) listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R §§ 1.97(g)(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that (a) the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b); and/or (b) that the information cited is, or is considered to be prior art.

2002/03/25 10:00:00 AM

2002/03/25

2002/03/25

Applicant filed a Supplemental Information Disclosure Statement on May 21, 2003 citing U.S. Patent no. 3,838,033 as reference A55. This Supplemental Information Disclosure Statement included a copy of U.S. Patent No. 3,838,033, and receipt thereof was acknowledged by the Patent Office (see attached copy of returned postcard). However, a typographical error on the form 1449 filed with this Supplemental Information Statement incorrectly listed the patent number of reference A55 as U.S. Patent No. 3,836,033.

On the attached form 1449, U.S. Patent No. 3,838,033 is listed as reference A55.

Pursuant to 37 C.F.R. § 1.97(c), a check in the amount of \$180 is enclosed, however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 10-1205/DUMM:009US.

A copy of the listed document(s) required by 37 C.F.R. § 1.98(a)(2) is enclosed for the convenience of the Examiner.

Applicant respectfully requests that the listed document(s) be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William W. Enders", written in a cursive style.

William W. Enders

Reg. No. 41,735

Attorney for Applicant

O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
(512) 347-1611
FAX: (512) 347-1615

Enclosures

Form PTO-1449 (modified)Atty. Docket No.
DUMM:009USSerial No.
10/089,048

List of Patents and Publications for Applicant's

Applicant
BLACK ET AL.**INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

Filing Date:
March 25, 2002Group:
1743U.S. Patent Documents
See Page 1Foreign Patent Documents
See Page 1Other Art
See Page**U.S. Patent Documents**

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A55	3,838,033	9/24/74	Mindt et al.			8/31/72
	A76	20020057993A1	5/16/02	Maisey et al.			8/30/01

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation

Examiner:**Date Considered:**

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

BEST AVAILABLE COPY



Received in the U.S. Patent and Trademark Office:
In re Application of: **Murdo Black et al.**
Title: Test Device
USSN: 10/089,048; Filed: March 25, 2002

Enclosed herewith:

1. Supplemental IDS
2. PTO Form 1449
3. Cited references A23-A61; B25-B76; C5
4. Our return postcard.

DUMMETT COPP - DUMM:009US
Mailed: 5-21-03
WWE/mw





BEST AVAILABLE COPY

Received in the U.S. Patent and Trademark Office:
In re Application of: **Murdo Black et al.**
Title: Test Device
USSN: 10/089,048; Filed: March 25, 2002

Enclosed herewith:

1. Supplemental IDS
2. PTO Form 1449
3. Cited references A23-A61; B25-B76; C5
4. Our return postcard.

DUMMETT CQPP - DUMM:009US

Mailed: 5-21-03

WWE/mw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MURDO BLACK ET AL.

Filed: MARCH 25, 2002

For: TEST DEVICE

Serial No.: 10/089,048

Group Art Unit: 1743

Examiner: UNKNOWN

Atty Dkt: DUMM:009US



Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class, postage prepaid envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313 on the date below:

5-21-03
Date

Marty Walker
Name

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the document(s) listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that (a) the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b); and/or (b) that the information cited is, or is considered to be prior art.

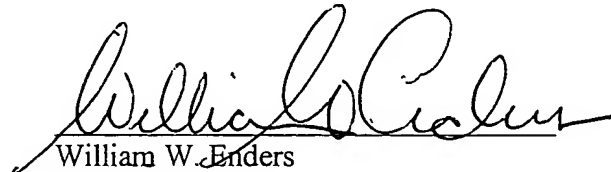
The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be

timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 10-1205/DUMM:009US.

A copy of the listed document(s) required by 37 C.F.R. § 1.98(a)(2) is enclosed for the convenience of the Examiner.

Applicant respectfully requests that the listed document(s) be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William W. Enders", is written over a horizontal line.

William W. Enders
Reg. No. 41,735
Attorney for Applicant

O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
(512) 347-1611
FAX: (512) 347-1615

Form PTO-1449 (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.
DUMM:009USSerial No.
10/089,048Applicant
BLACK ET AL.Filing Date:
March 25, 2002Group:
1743U.S. Patent Documents
See Pages 1-2Foreign Patent Documents
See Pages 3-6Other Art
See Page 6**U.S. Patent Documents**

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A23	5,120,420	11/9/99	Nankai et al.			8/26/98
	A24	3,838,033	9/24/74	Mindt et al.			8/31/72
	A25	3,979,274	9/7/76	Newman			9/24/75
	A26	3,993,451	11/23/76	Verbeck			11/8/74
	A27	4,053,381	10/11/77	Hamblen et al.			5/19/76
	A28	4,137,495	1/30/79	Brown			3/25/77
	A29	4,216,245	8/5/80	Johnson			7/25/78
	A30	4,225,410	9/30/80	Pace			12/4/78
	A31	4,233,029	11/11/80	Columbus			10/25/78
	A32	4,237,639	6/16/81	Gottermeier			6/20/79
	A33	4,301,412	11/17/81	Hill et al.			10/29/79
	A34	4,301,414	11/17/81	Hill et al.			10/29/79
	A35	4,303,887	12/1/81	Hill et al.			10/29/79
	A36	4,312,834	1/26/82	Vogel et al.			2/28/80
	A37	4,413,407	11/8/83	Columbus			11/9/81
	A38	4,418,148	11/29/83	Oberhardt			11/5/81
	A39	4,473,457	9/25/84	Columbus			3/29/82
	A40	4,490,216	12/25/84	McConnell			1/12/84
	A41	4,502,938	3/5/85	Covington et al.			4/8/82
	A42	4,545,382	10/8/85	Higgins et al.			10/22/82
	A43	4,591,550	5/27/86	Hafeman et al.			4/5/84

Examiner:**Date Considered:**

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Form PTO-1449** (modified)Atty. Docket No.
DUMM:009USSerial No.
10/089,048

List of Patents and Publications for Applicant's

Applicant
BLACK ET AL.**INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

Filing Date:
March 25, 2002Group:
1743U.S. Patent Documents
See Pages 1-2Foreign Patent Documents
See Pages 3-6Other Art
See Page 6

	A44	4,654,127	3/31/87	Baker et al.			11/27/85
	A45	4,654,197	3/31/87	Lilja et al.			10/12/84
	A46	4,897,173	1/30/90	Nankai et al.			6/19/86
	A47	4,900,405	2/13/90	Otagawa et al.			7/15/87
	A48	5,108,564	4/28/92	Szuminsky et al.			8/15/91
	A49	5,128,015	7/7/92	Szuminsky et al.			3/13/89
	A50	5,185,256	2/9/93	Nankai et al.			10/15/91
	A51	5,509,410	4/23/96	Hill et al.			7/27/94
	A52	5,682,884	11/4/97	Hill et al.			7/27/94
	A53	5,727,548	3/17/98	Hill et al.			6/6/95
	A54	5,820,551	10/13/98	Hill et al.			6/6/95
	A55	3,836,033	9/24/74	Mindt et al.			8/31/72
	A56	4,713,327	12/15/87	Findlay et al.			5/1/85
	A57	4,637,978	1/20/87	Dappen			10/28/83
	A58	3,992,158	10/16/76	Przybylowicz et al.			1/2/75
	A59	4,978,503	12/18/90	Shanks et al.			6/12/85
	A60	5,271,896	12/21/93	Jakubowicz et al.			4/16/93
	A61	4,142,863	3/6/79	Covington et al.			6/5/78

Examiner:

Date Considered:

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.

DUMM:009US

Serial No.

10/089,048

Applicant

BLACK ET AL.

Filing Date:

March 25, 2002

Group:

1743

U.S. Patent Documents

See Pages 1-2

Foreign Patent Documents

See Pages 3-6

Other Art

See Page 6

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B25	EP0016387A1	10/1/80				English Abstract
	B26	EP0078636A1	5/11/83				Yes
	B27	EP0115873B1	11/22/90				Yes
	B28	EP0121385A1	10/10/84				Yes
	B29	EP0127958B1	3/11/92				Yes
	B30	EP0136362A1	4/10/85				Yes
	B31	EP0096095A1	12/21/83				Yes
	B32	EP0170375B1	2/5/86				Yes
	B33	EP0171148A1	2/12/86				English Abstract
	B34	EP0186286A1	7/2/86				Yes
	B35	EP0200539B1	11/5/86				Yes
	B36	EP0230472A1	8/5/87				Yes
	B37	EP0255291A1	2/3/88				Yes

Examiner:

Date Considered:

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)



Atty. Docket No.

DUMM:009US

Serial No.

10/089,048

Applicant

BLACK ET AL.

Filing Date:

March 25, 2002

Group:

1743

U.S. Patent Documents

See Pages 1-2

Foreign Patent Documents

See Pages 3-6

Other Art

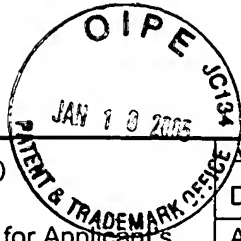
See Page 6

B38	EP0267724A1	5/18/88				Yes
B39	JP59-40145	3/5/84				English Abstract
B40	JP63-137559	6/9/88				English Abstract
B41	JP62-237348	10/17/87				English Abstract
B42	JP63-3248	1/8/88				English Abstract
B43	JP63-58149	3/12/88				Yes
B44	JP63-144245	6/16/88				English Abstract
B45	JP63-144246	6/16/88				English Abstract
B46	JP63-144247	6/16/88				English Abstract
B47	JP64-23152	1/25/89				English Abstract
B48	JP64-23153	1/25/89				English Abstract
B49	JP64-23154	1/25/89				English Abstract
B50	JP1-14746	5/8/89				English Abstract
B51	JP1-114747	5/8/89				English Abstract
B52	JP1-134242	5/26/89				English Abstract
B53	JP1-134243	5/26/89				English Abstract

Examiner:

Date Considered:

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Form PTO-1449** (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.

DUMM:009US

Serial No.

10/089,048

Applicant

BLACK ET AL.

Filing Date:

March 25, 2002

Group:

1743

U.S. Patent Documents

See Pages 1-2

Foreign Patent Documents

See Pages 3-6

Other Art

See Page 6

B54	JP1-134244	5/26/89				English Abstract
B55	JP1-212345	8/25/89				English Abstract
B56	GB 1318815	5/31/73				Yes
B57	GB 2090659A	7/14/82				Yes
B58	WO 88/03270	5/5/88				Yes
B59	WO 89/08713	9/21/89				Yes
B60	EP0057110A2	8/4/82				Yes
B61	EP0225061A1	6/10/87				Yes
B62	EP0212314A2	3/4/87				Yes
B63	EP0034049A1	8/19/81				Yes
B64	EP0010456A1	4/30/80				Yes
B65	EP0057110A2	8/4/82				Yes
B66	JPS61-146392	1/8/88				Yes
B67	EP0239222A1	9/30/87				Yes
B68	EP0359831A1	3/28/90				Yes
B69	JP2-62952	3/2/90				Yes

Examiner:

Date Considered:

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Form PTO-1449** (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.
DUMM:009USSerial No.
10/089,048Applicant
BLACK ET AL.Filing Date:
March 25, 2002Group:
1743U.S. Patent Documents
See Pages 1-2Foreign Patent Documents
See Pages 3-6Other Art
See Page 6

B70	JP1-253648	10/9/89				Yes
B71	JP1-291153	11/22/89				Yes
B72	JP63-317096	12/26/88				Yes
B73	GB2001443A	1/31/79				Yes
B74	JP62030962A	2/9/87				English Abstract
B75	EP0885591A2	12/23/98				Yes
B76	EP0127958A2	12/12/84				Yes

Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C5	Karl Schugerl et al., "Online-ProzeBanalyse In Bioreaktoren", No. 9, Germany, Sept., 1987

Examiner:**Date Considered:**

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.